

FISCAL NOTE

SB 3665 - HB 3833

March 11, 2006

SUMMARY OF BILL: Creates a newly named Class A felony offense of "aggravated rape of a child" who is ten years or younger. This crime is currently punishable as "rape of a child." Requires offender to be sentenced under Range III (40 to 60 years) and to serve 100 percent of sentence (less sentence credits of up to 15 percent).

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$6,577,100 / Incarceration*

Assumptions:

- An average of 64 persons have been convicted of this offense in each of the past three years, according to the Administrative Office of the Courts, and in each of the past six years, according to the Department of Correction (DOC). Based on a sampling of these, 50% (32) involved a child 10 years old or less.
- According to the U.S. Census Bureau, population growth in Tennessee has average 1.09 percent per year for the past ten years, yielding a projected compound population growth of 13.6% over the past ten years.
- Thirty-two persons will be convicted of aggravated rape of a child who is 10 years or younger in the first year. Population growth of 1.09 percent per year will result in four additional offenders serving additional time in the tenth year after the sentence increase is added to time currently served. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based upon 36 offenders serving additional time on their sentences.
- Thirty-six offenders will serve an additional 30 years (an increase from 20 years to 50 years). According to DOC, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 20 years is \$365,396.10 (\$50.02 x 7,305 days). The cost per inmate at 50 years is \$913,490.25 (\$50.02 x 18,262.50 days). The maximum cost per inmate in the tenth year is \$182,698.05 (\$50.02 x 3,652.50 days). The total additional operating cost for 36 offenders in the tenth year is \$6,577,129.80 (\$182,698.05 x 36).

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director